

AXE FOR FALLOWS' PLUM TREE

AFTER HE HAD SHAKEN NEAR HALF A MILLION OFF IT.

Comptroller Williams Supersedes Him in the New York Office and Will Seek to Have About 80 Per Cent. of the Expenses Amended Out of the Law.

State Comptroller Clark Williams has undertaken the job of lopping off the hme even if he cannot eradicate the roots of the most prolific political plum tree in the State. His action has been decided upon after a thorough investigation into the proceedings of the transfer tax attorneys appointed by the Comptroller to assist in the collection of the inheritance taxes on estates in this county. The investigation was begun very soon after Mr. Williams was appointed to succeed the late Charles Gaus and has just been concluded.

Edward H. Fallows, who as Assemblyman from Abe Gruber's district planted the plum tree ten years ago, is the officeholder on those affairs Mr. Williams has centered the investigation. Mr. Fallows has shaken the plum tree to such effect that in seven years he has gathered pickings to the cash value of approximately \$50,000. No other politician in the State, in or out of Mr. Gruber's district, has received fees as valuable by half.

Mr. Williams has already taken steps to curtail Mr. Fallows' activities by withholding designations to act in inheritance tax cases and by superseding Mr. Fallows in the New York office of the Comptroller's department at 128 Broadway. Allen P. Hallett, a lawyer of this city, now occupies the office vacated by Mr. Fallows. Mr. Hallett's official designation is "corporate tax commissioner," and it is understood that he has assisted the Comptroller in conducting the Fallows investigation.

Mr. Williams, in other words, has gone as far as possible in shutting down on the fees until action amending the law is taken by the Legislature. Mr. Williams will recommend such action in his annual report, which will be submitted in a week or ten days.

The law as it now stands is the outgrowth of a legislative investigation of the Surrogate's office of this county in 1902. Mr. Fallows, who is a son of Bishop Fallows of the Reformed Episcopal Church, was a reform member of the Legislature that year and it was at his instance that a committee was appointed to look into extravagant methods of collecting the transfer tax by the New York Surrogate and his assistant Mr. Fallows was made chairman of the committee.

The Fallows report spoke of the "necessity of remedial legislation in the interests of justice and for the public good" and discussed soberly and earnestly "the excessive cost to the State of collecting the transfer taxes."

It is said that the remedial legislation was suggested by Abe Gruber. It took the collection of the transfer tax away from the New York Surrogate, a Democrat, and entrusted it to the State Comptroller, a Republican. The Comptroller, moreover, was vested with power to appoint attorneys by the following section:

In proceedings to which the State Comptroller is cited as a party under sections 22 and 230 of this article (Appointment of appraisers and Proceedings by Appraisers) he is authorized to designate and retain counsel to represent him and to pay the expenses thereby incurred out of the funds which may be in his hands on account of this tax in any case in a county where the office of appraiser is salaried, and in any other county the State Comptroller shall by warrant direct the county treasurer to pay such expenses out of any funds which may be in his hands on account of this tax; provided, however, that in the collection of taxes upon the estates of non-resident decedents the State Comptroller shall not allow for legal services up to and including the entry of the order of the Surrogate fixing the tax a sum exceeding 10 per centum of the taxes and penalties collected.

The attorney's fees provided by the law were 5 per cent. on the first \$500 of an estate; 15 per cent. on the next \$450; 10 per cent. on the next \$500, and one-half of 1 per cent. on the rest. These fees have been collectible on the appraised value of the estate of every deceased resident of this city and on the estate of every non-resident having property in this city.

At the time of his death, Mr. Fallows, an attorney, began collecting these fees in the first year of the reform statute in effect, and with the exception of the two years of Democratic incumbency of the Comptroller's office has steadily increased his profits. In the first few years other attorneys got some of the plums. But on the inauguration of the late Comptroller Gaus practically all of the pickings was turned over to Mr. Fallows. Not only was he appointed attorney but he was vested with a broad power of attorney to act in lieu of the Comptroller in respect of the transfer tax business in this county.

In 1902 and 1903, the first two years of the reform statute, Mr. Fallows was a member of Assembly and did not devote his entire time to the collection of the fees. In 1904 he got only \$2,421. In the following year, being much more industrious, he took in \$26,862 and then left to retire from the Legislature and devote all his energies to the newly legalized business. His fees in 1901 amounted to \$54,176. In 1902 there was a slight recession, the returns dropping to \$44,811, but the job "he back" in 1903 with \$66,324 and brought in \$70,319 in 1904, \$75,950 in 1905 and \$70,319 in 1906. The years 1907 and 1908 were years of Democratic administration of the Comptroller's office and were barren for Mr. Fallows. The fees in those years went principally to John B. Jenkins, who was appointed at the instance of the late Senator McCarren. These years were, however, quite as expensive to the State.

Mr. Fallows' bills in the first few months of 1909 were greater than in any previous period. Figures for the entire year are not available but a conservative estimate puts them at more than \$75,000. The total is thus at least \$450,000 for the nine years since Mr. Fallows retired from the Legislature. Including the last two years of his service in the Assembly the total is not far from half a million dollars.

It has been represented to Comptroller Williams that the inheritance taxes could be collected for at most a fifth of the cost

THE NEW DEMOCRATIC ARMY

LEAGUE FORMS ORGANIZATION TO COVER THE STATE.

Goals in far its Own Kind of Direct Nominations and Ballot Reform—Thomas M. Osborne Made Leader of the League Forces—It Puts Out a Platform

ALBANY, Jan. 27.—The Democratic League of New York, the outcome of the Saratoga conference last September, assembled at the Hotel Ten Eyck this afternoon, organized a general committee of 450 covering every county in the State and elected former Mayor Thomas M. Osborne of Auburn chairman of the general committee, and inasmuch as Mr. Osborne has been chairman of the executive committee since the inception of the movement he is now the official leader of the organization. Francis A. Willard of Oneida was elected secretary and Col. William G. Rice of Albany was made treasurer.

The league adopted an organization plan for the State, drafted bills for direct nominations and reform in the ballot and primary laws, which are to be submitted to the Legislature by Senator Thomas Francis Grady and Assemblyman Friebie, the minority leaders in the Senate and Assembly, and former Supreme Court Justice D. Cady Herlick of Albany made a speech which received the loudest applause of the day, in which he called for an investigation of the high prices of food in the State.

In the evening there was a reception in the Hotel Ten Eyck for the visiting Mayors and other Democrats, and altogether the day was voted to be an entire success for those directly interested.

Chairman Osborne of the executive committee in opening the proceedings at 2 o'clock this afternoon read the call for the election of a general committee and then announced the official action of the executive committee in determining the purposes of the league to be as follows:

To spread the knowledge of fundamental Democratic or liberal principles.

To stimulate interest in the Democratic party organization as the best and most natural means of carrying those principles into effect.

To bring back into the party in this State such Democrats as disengage with its failure to stand for its principles and distrust of its recent leadership have driven out.

To aid in the nomination and election of such Democrats as worthily represent liberal principles and are not mere self-seekers.

To aid in the selection of such men to direct the party organization as represent the character and intelligence of the party and not its baser elements.

The proper policy of the Democratic League is to ignore the present leadership where they do not represent the character and intelligence of the party and seek by every means in its power to secure in the future the selection and election of proper men.

For this purpose its members should be personally willing to strike hands with all Democrats, however we may have differed with them in the past, to secure the triumph of Democratic principles and the success of Democratic candidates so long as they represent liberal principles. Only by such united action can victory be won.

The names of the general committee of the league were then read, as follows:

Albany—William T. Mayer, John F. Noe, C. F. Sullivan.

Cattaraugus—Henry C. Jackson.

Cattaraugus—Clare Willard.

Cayuga—Thomas M. Osborne.

Columbia—Walter M. Edson, Thomas J. Cummings.

Columbia—Boyd McDowell.

Columbia—William H. Sullivan.

Columbia—George S. Bligh.

Columbia—Samuel T. Tilden, M. Cortland—E. W. Hyatt.

Delaware—John G. Moore.

Dutchess—John E. Sague, R. Lyman Brown.

Dutchess—G. C. Cline, W. A. Douglas.

August F. Meyer, William H. Ryan, George Zimmerman, John W. Newark, Myron Blackman, Dr. William Anderson, Herbert P. Bissell.

Franklin—William Allen.

Fulton—Hamilton—Scott Partridge.

Genesee—M. J. Farley.

Greene—Omar V. Sage.

Herkimer—William F. Lansing.

Jefferson—A. Ray Corwell, John N. Carlisle.

Kings—Augustus Van Wyck, Edward M. Shepard, William H. Hurd, A. Augustus Healy, J. Edward Westcott, B. J. York, William P. West, Alexander McKim, Herman A. Mott, M. O'Connor, M. J. Harris, Walter L. Durack, Moses Rubenstein, Otto Kemper, James L. Bennett, Charles H. Fuller, Edward Laskansky, Rudolph Helmer, Jr., Alonzo J. McLaughlin, Charles Jerome Edwards, Richard W. Bainbridge, Walter E. Warner, Walter C. Burton.

Lewis—George Stephens Reed.

Liverpool—Fletcher C. Peck.

Madison—J. Clarence Rasbach.

Monroe—L. M. Antislade, Milton E. Gibbs, Howard T. Mosher, Frederick W. Smith, James E. Conley.

Montgomery—George C. Stewart.

New York—Morgan J. O'Brien, Herman Ridder, Ashbel P. Fitch, William Temple Emmet, William R. Curtis, D. Cady Herlick (proxy for William S. West), Edward C. Whitaker, Robert G. Monroe, Leo Kohan, the Hon. Alton B. Parker, Henry De Forest Baldwin, William Travers Jerome, John Fox, Frederic R. Coudert, James R. Ely, Alfred P. Seligman, Thomas M. Muir, E. J. McGowan, George L. Rivers, Frank L. Polk, Henry M. Powell, Alfred J. Talley, Stephen Parrelly, John H. Roesner, Henry H. Sherman, John A. Henshaw, John J. Quinlan, Thomas Crimmins, Montgomery Hare, S. Stanwood Menken, Daniel P. Hays, Everett V. Abbott, Thomas P. Keating, Maurice Delches, John Davis.

Nassau—Frederick N. Wairies.

Niagara—S. Wright McCollum, J. W. H. Kelley.

Orleans—Edward E. Dorn, Francis A. Willard.

Onondaga—William G. Stuart, T. W. Meachem, Leonard C. Crouch.

Ontario—D. J. Van Aulen.

Orange—Benjamin S. King, MacGrane Coze.

Oswego—John C. Knight.

Orleans—William B. Dye.

Oswego—G. Hyde Clarke.

Pennsylvanian—William C. Osborn.

Pennsylvanian—Charles G. Meyer, Joak Fowler, J. Anderson Leach, Clarence Edwards.

Rensselaer—Seymour Van Santvoord, H. O'R. Tucker.

Richmond—Eugene Lamb Richards, Jr., Rockland—Thomas H. Lee.

St. Lawrence—George F. Darrow, R. E. Hefferman.

Saratoga—J. J. Delaney.

Schenectady—Byron F. Morrow.

Schoharie—De Witt C. Dow.

Schoharie—William E. Leffingwell.

Schoharie—Jasper N. Hammett.

Stuyvesant—John Conant, W. H. Greenhow.

Suffolk—Eugene W. Lane, Edwin B. Dusenberry.

Sullivan—A. M. Scriber.

Tioga—Charles S. Mallory.

Tompkins—Charles E. Treman.

Ulster—O. Gordon Ross, T. E. Benedict.

Warren—Elmer J. West.

Washington—John A. De Wayne—Judge Charles McLouth.

Westchester—John H. Coyne, Alexander Mc-

TENOR JORN ENDOWS HIS WIFE

So That She May Marry the Poor Physician on Whom She Has Set Her Heart.

Carl Jorn, the operatic tenor, told reporters yesterday that he had agreed to permit his wife, who came over here recently on a flying visit, to get a divorce so that she may marry a poor physician, and that he also has agreed to give her \$25,000 in cash and an income of \$1,000 a year until she is married again.

His trouble, he said, had come about through a difference of tastes. He and his wife had grown apart and both had come to realize that they could not agree again.

She remained in Europe when Mr. Jorn came to this country to sing and, Mr. Jorn said, fell in love during his absence with a Berlin physician. This physician, Mr. Jorn said, is poor and has but a small practice. When Jorn heard of the matter he sent for his wife and she joined him in this country, bringing her oldest daughter, Gretchen, with her.

Mr. Jorn showed yesterday the agreement which he and his wife have signed. It was witnessed by the German Consul. The tenor said that he had given his wife all the money he had before she sailed for her return to Europe and that he was going to pay the rest of the \$25,000 as soon as he could. He added that she would need the money when she started housekeeping.

The children, the agreement provides, are to go to Mrs. Jorn.

STAGES GO BACK ON THE DRIVE

PARK BOARD DECIDES TO DO WHAT THE MAYOR WANTS.

Bronx Commissioner Wants to Know If It Won't Hurt the Trees and President Stover Replies That If It Does the Stages Can Be Ordered Off Again.

When Park Commissioner Kennedy got over from Brooklyn yesterday and Park Commissioner Higgins arrived from the Bronx President Stover of the Park Board, as requested by Mayor Gaynor, offered a resolution to let the two story stages into Riverside Drive by repealing this ordinance:

No vehicle of any kind or description measuring over ten feet from the tread of the wheel to the highest portion of the vehicle, whether propelled by muscular or motive power, shall be allowed to run along any driveway of any park or parkway under the jurisdiction of the Department of Parks.

"Why should we repeal this ordinance?" the member from The Bronx asked.

"Since I have been appointed as Commissioner for Manhattan and Richmond I have received a number of letters demanding its repeal in behalf of the public," responded the president of the board. "I have been in conference with the Corporation Counsel and with his Honor the Mayor in regard to the matter, and I believe its repeal is for the public interest."

"If these high stages are permitted to run on Riverside Drive and other parkways what effect will it have on the trees?" Mr. Higgins inquired.

"I have been over the Riverside Drive in a carriage to take observations," said Mr. Stover, "and I presume the high vehicles will have some effect on the trees. Just how much I am not able to say at present. They may also do some damage to the roadbed, but on this point I am not in a position to say positively."

"A chauffeur of one of those stages was arrested for violation of the ordinance and the case is still in the courts," put in the Brooklyn member. "I understand that the case was to be taken to the Court of Appeals as a test. What effect will any action have on this if we repeal the ordinance?"

"The court case will then fall flat. There will be no case," said Mr. Stover.

"Would the city be liable for damages for having caused the arrest of the chauffeur?"

"Not at all. The arrest was legal," said Commissioner Stover. "I have been informed that residents of Riverside Drive and others who were in favor of the original ordinance propose to attack the validity of the franchise held by the Fifth Avenue Coach Company, which operates the high stages. The Park Department has nothing to do with that phase of the matter."

A vote was then taken and the ordinance was repealed by the votes of the full board.

Commissioner Stover sent a letter to President Richard W. Meade of the Fifth Avenue Coach Company, notifying him of the action taken.

He remarked to the other members of the board that if it was found that the high stages injured the trees or roadbed the board could react the ordinance.

MURPHY SEES MAYOR AGAIN.

Supposed to Have Urged the Retention of Some Tammany Officeholders.

Mayor Gaynor had for visitors yesterday Charles F. Murphy, leader of Tammany Hall; John D. Rockefeller, Jr., the foreman of the special Grand Jury that is probing the white slave traffic, and August Belmont.

Mr. Murphy called, it is understood, to urge the retention in office of some Tammany men who are fearing that they will lose their jobs.

Mr. Rockefeller talked with the Mayor about his proposal to have the city appropriate money for the employment of inspectors to get evidence against the white slave traffickers. The Mayor accepted an invitation from Mr. Belmont to attend a dinner at the Japanese Ambassador on February 18.

FLOOD MENACES THE LOUVRE

BUT RIVERS FALL AND PARIS HOPES THE WORST IS OVER.

At Least a Hundred Lives Lost in City—Brave Rescuers Drowned—100,000 People Out of Work—The Damage Enormous—Danger of an Epidemic.

Special Cable Despatches to THE SUN.

PARIS, Jan. 28, 1:30 A. M.—The flood is coming down from the upper reaches faster than it escapes below the city and consequently the river is still rising here. Water is pouring over the parapet on the Cours de la Reine on the south side of the Place de la Concorde. Soldiers are rapidly building ramparts on the walls with bags of cement.

If the parapet breaks the whole Champs Elysees will be swamped. A cordon of troops has been placed around the Place de la Concorde. Many of the streets in total darkness and are completely deserted.

Part of the pavement on the Quai des Grands Augustins caved in to-night and fell on the Orleans Railway.

An official statement issued at midnight predicts that the Seine will reach its maximum flood between 8 and 9 o'clock this morning. Both the Marne and the upper Seine are subsiding.

The water has penetrated the basement of the Louvre. Several bridges have been closed, the engineers regarding them as unsafe.

It is probably no exaggeration to say that half the streets and squares of Paris are under water and that the other half have water under them. Street after street is being closed as fresh subsidences occur.

There is much anxiety regarding the Place de la Concorde. The city architects say that more is to be feared from a diminution of the flood than from the present pressure, because as the water sink a section will be created under the bridges and quays which may dislocate the masonry.

One fact supporting those who do not believe that the flood has yet reached its greatest magnitude is a change of wind to the eastward. This may prease a thaw of the snow in the provinces. In this case, the waters will undoubtedly rise again.

PARIS, Jan. 27.—The Seine began to subside shortly before midday to-day, and in a short time a drop of six inches was recorded. The first signs of a fall of the waters were hailed with joy by excited crowds who were watching the torrent from the quays.

It was impossible, however, to augur from this a continued recession of the water, especially in view of the official weather forecasts. Nevertheless it was a hopeful sign that the sun shone brightly all the forenoon, showing itself for a longer time than since the middle of December.

There came too encouraging reports from the upper reaches of the Seine, but for hours after the first decline there was little with which to support hope. The level fluctuated or remained stationary, and at 5 o'clock this afternoon it was observed that the water was rising steadily at the rate of an inch an hour. Later it appeared to be subsiding again.

M. Millrand, Minister of Public Works, said to-night there was reason to believe that the maximum of the flood had passed and that hope was justifiable. On the other hand, some engineers are less confident. They fear a further increase.

The cold increased at nightfall and the mercury dropped below freezing point. The still lagoons in the streets were frozen over and pumps everywhere were decorated with icicles.

Even if the flood now recedes unchecked the worst is not over. Subsidences of the earth continue and are likely to increase, endangering numbers of buildings, among which are some of historical importance. The extent of this danger is as yet unknown. The water has so percolated everywhere that foundations may be found to be sapped in unexpected directions at surprising distances from the river.

Then there is the task of feeding and housing the many thousands of refugees. Above all, there is the spectre of disease which haunts the administrative authorities and the public alike. A conference of leading physicians and health officers has been arranged to devise regulations to prevent or combat typhoid fever and other possible epidemics.

This danger, which was alluded to in yesterday's despatches to THE SUN, seems to grow even more menacing now that attention is partially diverted from anxiety concerning the height of the river itself. A large part of Paris finds itself without a sewerage system. Many of the sewers have burst, while others are choked with mud. Numbers of cellars contain beneath the flood water deposits of filth. Some of the streets are strewn with refuse. One gets unpleasant olfactory evidence of this as one passes through some of the thoroughfares. The river itself has an unpleasant odor.

The work of rescue and the supply of food have gone on all day without interruption. Many more men, including a number of sailors from the northern and western ports, are now employed in this labor. All work with gallant devotion, which received recognition this afternoon when the Chamber of Deputies formally recorded its admiration of the zeal and resources of these gallant men. Many of the Deputies, by the way, reached the Chamber pick-a-back, their carriages weighing long over boots, the temporary bridge that was built to span the flood having proved inadequate.

The question of the price of food was also raised in the Chamber to-day. M. Briand, the Prime Minister, won applause by promising that the Government would intervene to prevent an unwarranted increase in values. It must be admitted that a large majority of the retailers have refrained from attempting to profit by the people's distress in respect of staple commodities. The chief rise has been in foods which are more or less luxuries. Coal, wood and petroleum, however, have risen considerably.

The Senate adopted this afternoon a short bill extending the time for the payment of taxes by sufferers in the flooded districts.

To-day as yesterday the flood en-

CLINTON H. SMITH PUT BACK.

Secretary of the Park Board, New With \$4,000 Salary.

Col. Clinton H. Smith was appointed secretary to the Park Board yesterday afternoon, salary \$4,000. The salary used to be \$4,500. Smith's appointment was made to date from January 1.

For more than a quarter of a century Smith was assistant secretary of the board. He was ousted in the latter part of last December after he had appeared as a witness before Commissioner of Accounts Mitchell. He was asked at the inquiry what were the duties of Private Secretary Nagle and how often Nagle appeared in the Arsenal.

"God knows, I don't. I never see him except on pay day," the assistant secretary responded.

FOR CRUELTY TO ANIMALS.

Commissioner Bennett Ordered to Show Cause Why He Should Not Be Prosecuted.

WASHINGTON, Jan. 27.—Fred Bennett, Commissioner of the General Land Office, was served with a notice to-day by an officer of the local humane society to show cause why he should not be prosecuted for cruelty to animals, the specific charge being that as Land Commissioner he had permitted cruelty to be inflicted on two mules hitched to a wagon that delivered coal to the Land Office.

Mr. Bennett after some investigation discovered the source of the complaint. He had no knowledge of the coal delivery and did not own the mules or control the animals or their driver.

"I suppose since the Congressional investigation is under way that I am under suspicion generally," said the Commissioner, "and will be called on to establish an alibi to nearly every offence that is committed in this vicinity. Fortunately in this case I can establish my innocence."

DEATH ENDS ODD CAREER.

Rich Man Had Paid Some Hotel One Dollar Every Day for 30 Years.

PITTSBURGH, Jan. 27.—W. S. Chambers, a retired glass manufacturer, was found dead in bed in an obscure Pittsburgh hotel this morning.

Mr. Chambers retired from active life about twenty years ago and since that time had been living at this same hotel. Papers found on his person and in a safety deposit box show that his wealth is in the neighborhood of \$250,000.

In middle life Chambers was divorced from his wife and since that time had been married. Every morning for almost twenty years he had appeared at the desk of the hotel, and laid down \$1 to pay for his meals that day and his bed in room No. 30 over night.

HORSE THROWS GEN. WEYLER.

Captain-General of Barcelona Thrown to the Pavement Unconscious.

MADRID, Jan. 27.—As Gen. Weyler, Captain-General of Barcelona, was riding in that city to-day his horse fell, throwing the General.

He was nearly run over by a carriage as he lay unconscious. He was taken home severely shaken and bruised.

Taft Gives Aid to Burned College.

ATLANTA, Jan. 27.—Sending a check for \$50 to aid in rebuilding Morris Brown College, the Atlanta negro institution which recently burned, President Taft says in part:

"I was sorry to hear of the burning of the Morris Brown College, but I am glad to know you are struggling to rebuild it. I herewith send check for \$50 as contribution to fund. This is a small check, but I have a great many calls."

\$25.75 TO NEW ORLEANS AND RETURN.

Pennsylvania Railroad, August 24th. \$25.75 to Mobile or Pensacola. Consult Ticket Agent.

LAITHAM FALLS 150 FEET.

Aviator Not Hurt, but Machine Smashed in Mishap in Egypt.

Special Cable Despatches to THE SUN.

CAIRO, Jan. 27.—While Aviator Laitham was making a flight at Helipolthis this afternoon something happened to his monoplane and he fell 150 feet.

The machine was smashed, but Laitham marvellously escaped injury.

RETAKE, a brace, the morning after, came down. Split, 15 cents at the bar.—Ad.

FOUR FINE FLORIDA TRAINS.

via Seaboard Air Line, shortest, quickest, most attractive route. 125-145 N.Y. way.—Ad.

ALBANY, Jan. 27.—A bill prohibiting oral bookmaking as well as the laying of bets on horse races was introduced to-day by Assemblyman Perkins (Rep., Binghamton). Owners of racetracks are rendered criminally liable if they have any place on a racetrack available for betting purposes.

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